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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 04/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/773,556

Applicant(s)  
DIAZ et al.

Examiner  
James O. Hansen

Art Unit  
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 2, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: The specification refers to "side panels" (30, 32, 50 & 60) and also refers to "cover panels" (50 & 60). Appropriate correction is required. ✓

### *Claim Objections*

2. Claims 2-4, 12 & 14 are objected to because of the following informalities: In Claim 2, the phrase "wherein each said cover panels is" should be changed to --wherein said pair of cover panels are-- or --wherein each of said cover panels is--. In Claim 3, the term "is" should be replaced with --are--. In Claim 4, the phrase "surface of each said side panels" should be changed to --surface of each of said side panels--. In claim 12, the phrase "wherein each said cover panels is" should be changed to --wherein said pair of cover panels are-- or --wherein each of said cover panels is--. In Claim 14, the phrase "surface of each said side panels" should be changed to --surface of each of said side panels--. Appropriate correction is required. ✓

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-7 & 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. In Claim 1, line 6, the phrase "the corresponding hole in the computer case" does not have proper antecedent basis. In Claim 6, the phrase "inserted into said cover panel hole and the side panel hole" does not find a proper antecedent basis since "a plurality" of holes were set forth respectively, and no single cover panel hole or single side panel hole has been specifically identified. In Claim 10, the phrases "said cover panel hole", "the side panel hole, and "the side panel" do not have proper antecedent basis. In Claim 11, the phrases "said holes in said cover panel" and "the corresponding hole in the computer case" do not have proper antecedent basis. In Claim 16, the phrase "inserted into said cover panel hole and the side panel hole" does not find a proper antecedent basis since "a plurality" of holes were set forth respectively, and no single cover panel hole or single side panel hole has been specifically identified.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 7, 11-15 & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Crane, Jr. et al. Crane (figures 1-22) teaches of a computer case (10) comprising: opposite side panels (side panels deemed elements in the "enclosure" see col. 3, lines 61-67) having an inherent plurality of holes [as disclosed below] as readily apparent to the examiner; a pair of cover panels

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(B & D) for attachment to the opposite side panels; and a plurality of elastomeric feet (12's - see col. 4, lines 4-9 where the fasteners may be bolts, screws or rivets, the latter may be a polymer based resilient fastener as is known in the fastener art) each insertable through the holes (500) into the cover panels and the inherent holes in the computer enclosure for retaining each of the cover panels on the computer case. The decorative cover panels being made of a plastic material (col. 4, lines 61-67). The holes of the opposite side panels may be covered with hole plugs (12). The cover panels having an interior surface corresponding in shape to an exterior surface of the side panels as readily apparent to the examiner. The cover panels having a vent section (through bores 510, 512 & 810, 812 for example) corresponding in location to a vent in one of the side panels as readily apparent to the examiner (see col. 5, lines 57-60 for example).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7-9, 11-15 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korinsky et al., in view of Vincens. Korinsky (figures 1-12) teaches of a computer case (fig. 10) comprising: opposite side panels (see left and right side panels on the case) having a plurality of holes (430); a pair of cover panels (600) for attachment to the opposite side panels; and a

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plurality of feet (616) mounted on the cover panels and inserted into the holes in the computer enclosure for retaining each of the cover panels on the computer case. The cover panels being made of a plastic material (col. 6, lines 8-10). The holes of the opposite side panels may be covered with hole plugs (616). The cover panels having an interior surface corresponding in shape to an exterior surface of the side panels as readily apparent to the examiner. The cover panels having a vent section (see fig. 10) corresponding in location to a vent in one of the side panels (see fig. 10). Korinsky teaches applicant's basic inventive claimed concept, but does not show the "feet" as be elastic or extending through a hole in the cover panel [Korinsky shows the feet and panel as being integrally molded]. However, Vincens (figures 1-12) teaches of removable decorative panels (12) attachable to a case via elastic "feet" (16 - fig. 3) inserted within holes (22) of the cover panel and engaging holes (22) within the case. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the panel attachment means of Korinsky so as to utilize the panel anchoring system (fig. 3) as taught by Vincens because this fastening arrangement would provide Korinsky with an alternative quick and efficient means of providing a replaceable cover panel to a case structure. As to claim 7, since the color of the side panels is not functionally related in a new or unobvious way to the substrate upon which it is located, the color/paint of the panels will not distinguish the invention from the prior art in terms of patentability. Accordingly, it is not believed that the claimed 'decoration' in fact establishes any new or unobvious functional relationship to the substrate upon which is located. Instead, it appears that the decoration is merely carried by the substrate and provides

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ornamentation thereto (lacking a new or unobvious functional relationship), as such, the claimed limitation is not germane to patentability and therefore does not represent a difference or distinction over the prior art. As to claims 8-9, the prior art teach applicant's basic inventive claimed concept as structurally disclosed above, but do not specifically state a "method" of installing a panel on a case. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to install a panel on a case as prescribed by applicant's method because the normal assembly of the prior art's structure would inherently encompass the steps as set forth.

9. Claims 1-4, 6-14 & 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., in view of Johnson. Anderson (figures 1-17) teaches of a computer case (12) comprising: opposite side panels (see left and right side panels on the case - fig. 11) having a plurality of holes (see fig. 11); a pair of cover panels (86) for attachment to the opposite side panels; and a plurality of feet (see fasteners depicted in fig. 11) inserted through the cover panels and into the holes in the computer enclosure for retaining each of the cover panels on the computer case. The holes of the opposite side panels may be covered with hole plugs (fasteners as noted above). The cover panels having an interior surface corresponding in shape to an exterior surface of the side panels as readily apparent to the examiner. Anderson teaches applicant's basic inventive claimed concept, but does not show the "feet" as being elastic or having the specific structural characteristics as claimed. However, Johnson (figures 1-5) teaches of a removable fastener (10) having a cover portion, a pair of legs extending from the cover

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portion and a shoulder portion at distal ends of the legs (see figs. 1-5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fastener of Anderson so as to utilize the fastening device as taught by Johnson because this fastening arrangement would provide Anderson with a means to fasten lapped panels together without the use of any tools. As to claims 2 & 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the cover panels out of plastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. As to claim 7, since the color of the side panels is not functionally related in a new or unobvious way to the substrate upon which it is located, the color/paint of the panels will not distinguish the invention from the prior art in terms of patentability. Accordingly, it is not believed that the claimed 'decoration' in fact establishes any new or unobvious functional relationship to the substrate upon which is located. Instead, it appears that the decoration is merely carried by the substrate and provides ornamentation thereto (lacking a new or unobvious functional relationship), as such, the claimed limitation is not germane to patentability and therefore does not represent a difference or distinction over the prior art. As to claims 8-9, the prior art teach applicant's basic inventive claimed concept as structurally disclosed above, but do not specifically state a "method" of installing a panel on a case. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to install a panel



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on a case as prescribed by applicant's method because the normal assembly of the prior art's structure would inherently encompass the steps as set forth.

10. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane, Jr. et al. Crane teaches applicant's basic inventive claimed concept as structurally disclosed above, but does not specifically state a "method" of installing a color panel on a computer case. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to install a panel on a computer case as prescribed by applicant's method because the normal assembly of Crane's structure would inherently encompass the steps as set forth.

11. Claims 6, 10 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane, Jr. et al., in view of Johnson. Crane teaches applicant's basic inventive claimed concept as disclosed above, but does not show the "feet" as having the specific structural characteristics as claimed [claims 6, 10, 16]. However, Johnson (figures 1-5) teaches of a removable fastener (10) having a cover portion, a pair of legs extending from the cover portion and a shoulder portion at distal ends of the legs (see figs. 1-5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fastener of Crane so as to utilize the fastening device as taught by Johnson because this fastening arrangement would provide Anderson with a means to fasten lapped panels together without the use of any tools and the fastener would be reusable.

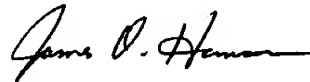
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*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oliver et al., describes a fastener for joining two panels together (figs. 7 & 12). Martinez describes a removable decorative panel assembly. Ryan et al., describes a computer case utilizing snap-in fasteners to join panels together (fig. 6).

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers for Official Papers are as follows: (703) 305-3597 & (703) 305-7687.**

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659 or to the unit fax at (703) 308-3691. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



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Primary Examiner  
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JOH  
March 27, 2002